

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-234- C – ORDER NO. 2004-264
JUNE 30, 2004

IN THE MATTER OF:

Phillip S. Porter – Consumer Advocate for the)	ORDER GRANTING
State of South Carolina,)	DISMISSAL OF
)	COMPLAINT
Complainant/Petitioner)	
)	
vs.)	
)	
BellSouth Telecommunications, Inc.,)	
)	
Respondent.)	
_____)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of the Petitioner Consumer Advocate for the State of South Carolina (herein “Consumer Advocate” or “Petitioner”) requesting withdrawal of the Complaint in this matter.

This case was initiated by the Consumer Advocate by the filing of a Complaint with the Commission on July 8, 2002, against the Respondent BellSouth Telecommunications, Inc. (“Respondent” or “BellSouth”). The Complaint, in short, alleged that a tariff filing made by BellSouth on June 6, 2002, which increased prices on a variety of residential and business service offerings, was an abuse of market position.

The Consumer Advocate requested that the Commission prohibit BellSouth from implementing the price increases listed in the June 6, 2002, tariff filing.

On August 23, 2002, BellSouth filed with the Commission a Motion to Dismiss the Consumer Advocate's Petition, to which the Consumer Advocate filed a Responsive pleading on September 16, 2002.

In an Order issued September 19, 2002, the Commission ordered that the Complaint in this matter be held in abeyance and established a generic proceeding under Docket No. 1999-469-C, BellSouth's Alternative Regulation Docket, to define the term "abuse of market position." The Commission further ordered that upon defining that term, that it would reexamine the Consumer Advocate's Complaint, including the allegations of abuse of market position by BellSouth.

Following notice and hearing, the Commission issued its Order No. 2003-656, dated October 31, 2003. Order No. 2003-656 memorialized the Commission's decision in the generic docket addressing the term "abuse of market position."¹

Thereafter, by letter dated April 16, 2004 the Consumer Advocate advised the Commission that he was withdrawing his complaint in the instant docket.

IT IS THEREFORE ORDERED:

1. That the complaint filed by the Consumer Advocate in this matter is hereby withdrawn, and this docket is hereby closed.

¹ Order No. 2003-656 also addresses the Commission's decision in Docket No. 2002-408-C which was a generic docket instituted to address the definition of the term "inflation-based index." The "abuse of market position" docket and the "inflation-based index docket" were combined for hearing purposes, and a single order addressing the decision in both dockets was issued.

2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Mignon L. Clyburn, Chairman

ATTEST:

/s/
Bruce F. Duke, Executive Director

(SEAL)